

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 174, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 22-11-18-5.5 IS ADDED TO THE INDIANA
- 3 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2007]: **Sec. 5.5. (a) As used in this section,**
- 5 **"bodily injury" has the meaning set forth in IC 35-41-1-4.**
- 6 **(b) As used in this section, "landlord" has the meaning set forth**
- 7 **in IC 32-31-3-3.**
- 8 **(c) As used in this section, "rental premises" has the meaning**
- 9 **set forth in IC 32-31-7-3.**
- 10 **(d) As used in this section, "rental unit" has the meaning set**
- 11 **forth in IC 32-31-3-8.**
- 12 **(e) As used in this section, "tenant" has the meaning set forth in**
- 13 **IC 32-31-3-10.**
- 14 **(f) A landlord who violates section 3.5 of this chapter:**
- 15 **(1) at the time the landlord delivers a rental unit to a tenant;**
- 16 **or**
- 17 **(2) by failing to repair or replace a defective or an inoperable**
- 18 **smoke detector not later than seven (7) days after receiving**
- 19 **written notice by certified mail, return receipt requested, of**
- 20 **the need to repair or replace the defective or inoperable**

1 smoke detector under section 3.5(e)(2) of this chapter;
 2 commits a Class B infraction. However, the offense is a Class A
 3 infraction if the landlord has a prior violation or conviction for an
 4 offense under this section.

5 (g) A landlord who knowingly or intentionally violates section
 6 3.5 of this chapter:

7 (1) at the time the landlord delivers a rental unit to a tenant;
 8 or

9 (2) by failing to repair or replace a defective or an inoperable
 10 smoke detector not later than seven (7) days after receiving
 11 written notice by certified mail, return receipt requested, of
 12 the need to repair or replace the defective or inoperable
 13 smoke detector under section 3.5(e)(2) of this chapter;
 14 commits smoke detector malfeasance, a Class D felony, if bodily
 15 injury or loss of life occurs as the result of a fire in the rental
 16 premises and an operable smoke detector could have prevented the
 17 fire, injury, or loss of life.

18 (h) A tenant who knowingly or intentionally fails to:

19 (1) replace the batteries in a battery operated smoke detector
 20 installed in the tenant's rental unit; or

21 (2) promptly notify the landlord that a smoke detector
 22 installed in the rental unit is defective or inoperable and
 23 requires repair or replacement;

24 commits smoke detector malfeasance, a Class D felony, if bodily
 25 injury or loss of life occurs as the result of a fire in the rental
 26 premises and an operable smoke detector could have prevented the
 27 fire, injury, or loss of life.

28 SECTION 2. IC 32-31-5-7 IS ADDED TO THE INDIANA CODE
 29 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 30 1, 2007]: **Sec. 7. At the time a landlord delivers a rental unit to a
 31 tenant, the landlord shall require the tenant to acknowledge in
 32 writing that the rental unit is equipped with a functional smoke
 33 detector.**

34 SECTION 3. IC 32-31-7-5 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5. A tenant shall do the
 36 following:**

37 (1) Comply with all obligations imposed primarily on a tenant by
 38 applicable provisions of health and housing codes.

- 1 (2) Keep the areas of the rental premises occupied or used by the
- 2 tenant reasonably clean.
- 3 (3) Use the following in a reasonable manner:
- 4 (A) Electrical systems.
- 5 (B) Plumbing.
- 6 (C) Sanitary systems.
- 7 (D) Heating, ventilating, and air conditioning systems.
- 8 (E) Elevators, if provided.
- 9 (F) Facilities and appliances of the rental premises.
- 10 (4) Refrain from defacing, damaging, destroying, impairing, or
- 11 removing any part of the rental premises.
- 12 (5) Comply with all reasonable rules and regulations in existence
- 13 at the time a rental agreement is entered into. A tenant shall also
- 14 comply with amended rules and regulations as provided in the
- 15 rental agreement.
- 16 **(6) Ensure that each smoke detector installed in the tenant's**
- 17 **rental unit remains functional and is not disabled.**

18 This section may not be construed to limit a landlord's obligations
19 under this chapter or IC 32-31-8.

20 SECTION 4. IC 36-8-17-8, AS AMENDED BY P.L.1-2006,
21 SECTION 579, IS AMENDED TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) A fire department serving an
23 area that does not include a city may engage in an inspection program
24 to promote compliance with fire safety laws. **Upon the request of an**
25 **owner or primary lessee who resides in a private dwelling, the fire**
26 **department may inspect the interior of the private dwelling to**
27 **determine compliance with IC 22-11-18-5.5.** The fire department
28 shall maintain a written report for each inspection. These reports shall
29 be made available to the division upon request.

30 (b) The fire department serving an area that includes a city shall
31 inspect every place and public way within the jurisdiction of the city,
32 except the interiors of private dwellings, for compliance with the fire
33 safety laws. **Upon the request of an owner or primary lessee who**
34 **resides in a private dwelling, the fire department may inspect the**
35 **interior of the private dwelling to determine compliance with**
36 **IC 22-11-18-5.5.** Except as otherwise provided in the rules adopted by
37 the commission, the fire chief of the fire department shall specify the
38 schedule under which places and public ways are inspected and may

1 exclude a class of places or public ways from inspection under this
 2 section, if the fire chief determines that the public interest will be
 3 served without inspection. The fire department shall maintain a written
 4 report for each inspection. The fire department shall submit monthly
 5 reports to the division, on forms prescribed by the division, containing
 6 the following information:

- 7 (1) The total number of inspections made.
- 8 (2) The total number of defects found, classified as required by
- 9 the office.
- 10 (3) The total number of orders issued for correction of each class
- 11 of defect.
- 12 (4) The total number of orders complied with.
- 13 (c) A volunteer fire department may carry out inspections under this
- 14 section only through an individual who is certified under
- 15 IC 22-14-2-6(c).

16 **SECTION 5 [EFFECTIVE JULY 1, 2007] IC 22-11-18-5.5(g) and**
 17 **IC 22-11-18-5.5(h), both as added by this act, apply only to crimes**
 18 **committed after June 30, 2007.**

(Reference is to SB 174 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

Steele

Chairperson